



CITY OF SAN DIEGO

CHAIRPERSON'S REPORT

TO THE:

CITY COUNCIL STRONG MAYOR-STRONG COUNCIL TRANSITION COMMITTEE

Scott Peters, District 1, Chair
Michael Zucchet, District 2 Councilmember
Toni Atkins, District 3 Councilmember
Tony Young, District 4 Councilmember
Brian Maienschein, District 5 Councilmember
Donna Frye, District 6 Councilmember
Jim Madaffer, District 7 Councilmember
Ralph Inzunza, District 8 Councilmember

DATE: May 25, 2005

ATTENTION: City Council Transition Committee
Meeting of May 26, 2005

SUBJECT: Presiding Officer

SUMMARY

Issues

1. Determine the method of selecting the Presiding Officer.
2. Determine the method of removing the Presiding Officer.
3. Determine the term of office for the Presiding Officer.
4. Determine the duties of the Presiding Officer.
5. Determine the staffing requirements of the Presiding Officer.

Chairperson's Recommendations

1. Selection: the Presiding Officer should be selected by a majority vote of the Council.

Consultants: Concur

2. Removal: a majority vote of the Council should be required to remove the Presiding Officer.

Consultants: Recommend a 2/3 vote threshold for removal.

3. Term of Office: the Presiding Officer should serve a one-year term.

Consultants: Recommend a two-year term.

4. Duties: the Presiding Officer should be granted the following duties.

- Chair meetings of the Council [Charter Section 270(d)];
- Manage the docketing process [Charter Section 270(d)];
- Coordinate closed session dockets with the Mayor and City Attorney [Charter Section 270(d)];
- Fill a Mayoral vacancy with limited powers [Charter Section 265(i)];
- Select the Presiding Officer Pro Tem, subject to a majority Council approval;
- Appoint Committee Chairs, subject to a majority approval;
- Refer matters to Council Committees;
- Enforce the rules of the Council;
- Determine which matters will be listed on the Consent Agenda;
- Request information regarding matters before the Council;
- Call special meetings of the Council; and
- Represent the Council at public functions and to other governments.

Consultants: Concur, except for the following:

- Presiding Officer would also appoint Committees vice-chairs; and
- Compel attendance of witnesses and production of evidence.

5. Staffing: an additional staff position should be added to the office of the Presiding Officer for docketing purposes. The budgeted FTE position of the Rules Committee consultant should be moved from the Office of the Mayor to the Office of the Presiding Officer as a budget neutral way to accommodate this additional staffing.

Consultants: No Recommendation

Fiscal Impact – \$250,000 was included in the FY 2006 Proposed Budget for support for the Transition to Strong Mayor form of government - acknowledging that any new functions would begin six months into the fiscal year and adjustments would most likely occur during the Council’s transition planning.

BACKGROUND

Proposition F, approved by the voters last November, states that:

“The Council shall have the right to determine its own rules and order of business as provided for in Charter section 14, including a process for the selection of a presiding officer who shall have responsibility for chairing meetings of the Council and managing the docket process. Any such rules shall provide a process for the Mayor and independent department heads to propose matters for consideration by the Council in open session and a process for the City Attorney, Mayor, and Presiding Officer to coordinate the docketing of matters for consideration by the Council in any closed session of the Council.” [Charter Section 270(d)]

“During the period of time when an appointment or election is pending to fill a vacancy in the Office of Mayor, the presiding officer of the Council shall be vested with the authority to supervise the staff remaining employed in the Office of the Mayor, to direct and exercise control over the City Manager in managing the affairs of the City under the purview of the Mayor and to exercise other power and authority vested in the Office of the Mayor when the exercise of such power and authority is required by law. This limited authority would include circumstances where the expeditious approval of a legislative action is necessary to meet a legal requirement imposed by a court or another governmental agency. Such limited authority would not include the exercise of the power of veto or any other discretionary privilege which is enjoyed by a person appointed or elected to the Office of Mayor. The presiding officer, while acting under this section pending the filling of a mayoral vacancy, shall not lose his or her rights as a Member of the Council.” [Charter Section 265(i)]

DISCUSSION

To provide the Council with a framework for discussion, the City’s consulting team has conducted both academic and anecdotal research of cities throughout the country that have structures and/or experiences that would be applicable to the City of San Diego’s transition. The consultant’s report describes in greater detail case studies of how other cities select and remove their Presiding Officer, the terms of office, and the duties that are assigned to the Presiding

Officer. The consulting team reviewed Los Angeles, San Francisco, Oakland, Seattle, Detroit, and Jacksonville.

The Chairman's report modifies certain recommendations made by the consultants for the following reasons:

1. Selection:
The consultants recommend that the Presiding Officer serve a two-year term. It is important that the backing of a majority of the City Council be demonstrated each year to ensure the legitimacy of the Councilmember designated Presiding Officer. A one-year term will also eliminate the possibility that an election may truncate the existing 2-year term of a Presiding Officer. Therefore the Chair recommends a one-year term for the Presiding Officer.
2. Removal:
The consultants recommend a 2/3 vote of the City Council to remove the Presiding Officer. The power of the Presiding Officer flows from a majority of the Council. If the Presiding Officer loses the confidence of that Council majority they should be empowered to remove the Presiding Officer.
3. Additional Staff:
The Mayor's office currently employs a full time staff person in the Rules Committee Consultant to provide assistance in the preparation of the Council Docket. The Chair recommends that the Office of the Presiding Officer be provided an additional full time equivalent (FTE) position to perform these same duties.

CONCLUSION

With the emergence of a "strong-mayor" it is important that the Council create an appropriate structure to check the power of the Mayor. By providing the presiding officer with these recommended duties the Council will organize itself to provide that check and provide for a cohesive and efficient legislature

Respectfully submitted,



Councilmember Scott Peters
Chair, Council Transition Committee

Attachments: Consultant Report on Council Presiding Officer
 Citizens Advisory Committee Report to the City Council

* Due to the number of pages, the attachments had a limited distribution. A complete copy of the attachments can be viewed at the City Clerk's office or online at <http://www.sandiego.gov/mayortransition/index.shtml>.